

Legal Counsel Approval _____

RL14-017

Introductory No. _____

Permanent No. _____



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: March 5, 2014

Sponsored by Council Members: Berg, Matzo, Motsavage, Webb, Rennia, Mihalko, Papastrat

Introduced by Committee: Finance

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING THE MAYOR
TO RENEW AGREEMENTS WITH VARIOUS
BROOME COUNTY DEPARTMENTS,
OUTSIDE AGENCIES AND MUNICIPALITIES
FOR THE STOP-DWI PROGRAM FOR 2014**

WHEREAS, the Special Traffic Options Program for Driving While intoxicated (“STOP-DWI”) Task Force Unit has provided beneficial services to the City of Binghamton by reducing alcohol-impaired driving within the City; and

WHEREAS, Permanent Resolution No. 2013-575 adopted by the Broome County Legislature on December 19, 2013 provides grant funding to the Binghamton Police STOP-DWI Task Force Vehicle Program in the amount of \$24,700 for 2014.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE, that the Mayor, or his designee, is hereby authorized to execute any and all documents, approved as to form and content by the Office of Corporation Counsel, as necessary to accept grant funding in the amount of \$24,700 from Broome County for the STOP-DWI Task Force Unit for 2014.

Introductory No. _____

Permanent No. _____

Sponsored by City Council Members:
Berg, Matzo, Motsavage, Webb, Rennia, Mihalko,
Papastrat

A RESOLUTION AUTHORIZING THE MAYOR
TO RENEW AGREEMENTS WITH VARIOUS
BROOME COUNTY DEPARTMENTS, OUTSIDE
AGENCIES AND MUNICIPALITIES FOR THE
STOP-DWI PROGRAM FOR 2014

The within Resolution was adopted by the Council of
the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Motsavage				
Mihalko				
Rennia				
Webb				
Papastrat				
Matzo				
Berg				
Total				

☐ Code of the City of Binghamton

☐ Adopted ☐ Defeated

_____ Ayes _____ Nays _____ Abstain _____ Absent

Legal Counsel Approval _____

RL14-021

Introductory No. _____

Permanent No. _____



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: March 5, 2014

Sponsored by Council Members: Berg, Matzo, Motsavage, Webb, Rennia, Mihalko, Papastrat

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE AUTHORIZING A
TRANSFER IN THE DEPARTMENT OF PUBLIC
WORKS 2013 BUDGET TO COVER THE COST
OF SALT PURCHASED IN 2013

WHEREAS, the Commissioner of Public Works finds it proper and necessary to transfer funds within the Department of Public Works 2013 budget to cover the cost of salt purchased in 2013; and

WHEREAS, the budget transfer was approved by the Board of Estimate and Apportionment on February 5, 2014; and

WHEREAS, the Council of the City of Binghamton wishes to approve the transfer.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Comptroller and Treasurer of the City of Binghamton are hereby authorized and directed to transfer \$20,000 from budget line A5182.54220 (Street Lighting) to budget line A5142.54141 (Salt-Sand & Other) in the Department of Public Works 2013 budget.

Section 2. That this Ordinance shall take effect immediately.

I HEREBY CERTIFY that the above described
funds are unencumbered and available.

Charles Pearsall, Comptroller

Introductory No. _____

Permanent No. _____

Sponsored by City Council Members:
Berg, Matzo, Motsavage, Webb, Rennia, Mihalko,
Papastrat

AN ORDINANCE AUTHORIZING A TRANSFER
IN THE DEPARTMENT OF PUBLIC WORKS 2013
BUDGET TO COVER THE COST OF SALT
PURCHASED IN 2013

The within Ordinance was adopted by the Council of
the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Motsavage				
Mihalko				
Rennia				
Webb				
Papastrat				
Matzo				
Berg				
Total				

☐ Code of the City of Binghamton

☐ Adopted ☐ Defeated

_____ Ayes _____ Nays _____ Abstain _____ Absent

Legal Counsel Approval _____

RL14-023

Introductory No. _____

Permanent No. _____



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: March 5, 2014

Sponsored by Council Members: Berg, Matzo, Motsavage, Webb, Rennia, Mihalko, Papastrat

Introduced by Committee: Finance

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING THE CITY OF
BINGHAMTON TO PURCHASE APPARATUS,
MATERIALS, EQUIPMENT AND RELATED
SERVICES THROUGH CONTRACTS LET BY
NATIONAL JOINT POWERS ALLIANCE**

WHEREAS, General Municipal Law (GML) §103(16) allows for political subdivisions to make purchases of apparatus, materials, equipment or supplies, or to contract for services related to installation, maintenance or repair of apparatus, materials, equipment and supplies as may be required by such county, political subdivision or district through the use of a contract let by the United States or any agency, any state or any other county or political subdivision; and

WHEREAS, pursuant to GML §103, the City of Binghamton wishes to have an opportunity to purchase apparatus, materials, equipment and related services through contracts let by National Joint Powers Alliance.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session does hereby:

RESOLVE, that the Mayor, or his designee, is authorized to execute any and all documents, approved as to form and content by the Office of Corporation Counsel, with National Joint Powers Alliance.

Introductory No. _____

Permanent No. _____

Sponsored by City Council Members:
Berg, Matzo, Motsavage, Webb, Rennia, Mihalko,
Papastrat

A RESOLUTION AUTHORIZING THE CITY OF
BINGHAMTON TO PURCHASE APPARATUS,
MATERIALS, EQUIPMENT AND RELATED
SERVICES THROUGH CONTRACTS LET BY
NATIONAL JOINT POWERS ALLIANCE

The within Resolution was adopted by the Council of
the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Motsavage				
Mihalko				
Rennia				
Webb				
Papastrat				
Matzo				
Berg				
Total				

☐ Code of the City of Binghamton

☐ Adopted ☐ Defeated

_____ Ayes _____ Nays _____ Abstain _____ Absent

Legal Counsel Approval _____

RL14-016

Introductory No. _____

Permanent No. _____



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: February 19, 2014

Sponsored by Council Members: Motsavage, Webb, Matzo, Rennia, Mihalko, Berg, Papastrat

Introduced by Committee: Municipal and Public Affairs

ORDINANCE

entitled

AN ORDINANCE AMENDING SECTION 400-24
OF THE CODE OF THE CITY OF
BINGHAMTON, REGARDING THE
MAINTENANCE OF THE TRAFFIC CODE

WHEREAS, the Council of the City of Binghamton wishes to amend the Code of the City of Binghamton, § 400-24, *Effective date of orders, rules and regulations*, assigning the maintenance of the Traffic Code to the City Clerk.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That § 400-24 of the Code of the City of Binghamton, entitled *Effective date of orders, rules and regulations*, is hereby amended as follows:

§400-24. Effective date of orders, rules and regulations. [Amended 2-19-2014 by Ord. No 14-__]

Orders, rules and regulations adopted by the Traffic Board shall become effective as soon as the same are filed with the City Court and City Clerk. It shall be the duty of the City Clerk to maintain the Traffic Code, and to amend any portion of the Traffic Code as may be necessary upon receipt of any order, rule or regulation adopted by the Traffic Board.

Section 2. That this Ordinance shall take effect immediately.

Introductory No. _____

Permanent No. _____

Sponsored by City Council Members:
Motsavage, Webb, Matzo, Rennia, Mihalko, Berg,
Papastrat

AN ORDINANCE AMENDING SECTION 400-24
OF THE CODE OF THE CITY OF BINGHAMTON,
REGARDING THE MAINTENANCE OF THE
TRAFFIC CODE

The within Ordinance was adopted by the Council of
the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Motsavage				
Mihalko				
Rennia				
Webb				
Papastrat				
Matzo				
Berg				
Total				

☐ Code of the City of Binghamton

☐ Adopted ☐ Defeated

_____ Ayes _____ Nays _____ Abstain _____ Absent



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: February 19, 2014

Sponsored by Council Members: Motsavage, Matzo, Berg, Mihalko, Papastrat, Rennia, Webb

Introduced by Committee: Municipal and Public Affairs

LOCAL LAW

entitled

**A LOCAL LAW ESTABLISHING A PUBLIC
ART ADVISORY BOARD**

WHEREAS, the City of Binghamton wishes to establish a Public Art Advisory Board;
and

WHEREAS, the Council of the City of Binghamton wishes to amend §18-39, *Commission established; composition; appointment and qualification of members*, §18-47, *Powers and functions concerning municipal property; approval of design of site, design of structure, location, alteration and demolition*, §18-48, *Factors considered prior to approval*; and

WHEREAS, to establish a Public Art Advisory Board, City Council wishes to adopt a new Article XVIII, *Public Art Advisory Board*, as annexed hereto.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That §18-39, *Commission established; composition; appointment and qualification of members*, §18-47, *Powers and functions concerning municipal property; approval of design of site, design of structure, location, alteration and demolition*, §18-48, *Factors considered prior to approval* of the Code of the City of Binghamton, are hereby amended, as annexed hereto.

Section 2. That the Code of the City of Binghamton is amended to add Article XVIII, *Public Art Advisory Board*, as annexed hereto and made a part hereof.

Section 3. That this Local Law shall take effect upon filing with the Secretary of State.

Introductory No. _____

Permanent No. _____

Sponsored by City Council Members:
Motsavage, Matzo, Berg, Mihalko, Papastrat, Rennia,
Webb

A LOCAL LAW ESTABLISHING A PUBLIC ARTS
ADVISORY BOARD

The within Local Law was adopted by the Council of
the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Motsavage				
Mihalko				
Rennia				
Webb				
Papastrat				
Matzo				
Berg				
Total				

☐ Code of the City of Binghamton

☐ Adopted ☐ Defeated

_____ Ayes _____ Nays _____ Abstain _____ Absent

ARTICLE VI, Commission on Architecture and Urban Design.

§ 18-39. Commission established; composition; appointment and qualification of members. [Amended 7-16-1973 by Ord. No. 149-73; Amended 12-21-11 by Ord. No. 11-52; Amended 10-17-2012 by Ord. No. 12-66]

To prevent the deterioration of property belonging to the City or property in which any City funds are involved and to advise builders to designers in regard to the use of space and the design of structures and to encourage protection of economic values and proper and appropriate use of surround areas, there is hereby established in and for the City a commission to be known as the "Commission on Architecture and Urban Design of the City of Binghamton." This Commission shall consist of seven (7) persons who shall be residents of the City or owners of real property situated therein, and who shall be appointed by the Mayor. Persons eligible for membership shall be persons who, by training, experience, interest or expertise, are qualified to carry out the duties of the Commission as set forth herein. The membership should include, if such persons are available and agreeable to serving, a professional engineer or contractor, an architect, and a landscape architect or an expert in the field of landscaping. Each member of the Commission on Architecture and Urban Design shall be paid an annual stipend of four hundred (\$400.00) dollars. Payments shall be made in four installments, on or about April 1, July 1, October 1, and January 1 (for the previous year). Any member joining the Commission on Architecture and Urban Design other than prior to the first meeting of the year will be paid a proportionate amount of the stipend. Any member who is removed pursuant to the Code of the City of Binghamton Article I, *Vacancies due to nonattendance*; § 16-1, *Application*; § 16-2, *Determination of vacancy*; or § 410-91.D, *Removal of members*, shall not be paid for any missed meetings leading to dismissal.

§ 18-47. Powers and functions concerning municipal property; approval of design of site, design of structure, location, alteration and demolition.

- A. No design for a building, bridge, approach, gate, step, fence, lamp, or other structure or addition which shall be erected upon any street or property owned, leased, or occupied by the City, or involving the use of funds or monies of or from the City, shall be implemented without the approval of the Commission.
- B. The Commission shall also consider the location of structures and may make recommendations for changes in location thereof.
- C. The Commission may recommend that works of art be a part of any new construction under their purview and may require that up to 1% of the total cost of construction be used for works of art. The review and approval of such art shall be under the authority of the Public Art Advisory Board, as established in Article XVIII below.

§ 18-48. Factors considered prior to approval.

In considering applications for the approval, and in the recommendation of designs for buildings or structures as set forth in this article, the Commission shall review all material submitted to it, taking into consideration, but not limited to, the following factors:

- A. The location of the building, structure, or sign on the site or street.

- B. The relation of the building, or structure to adjacent open space or spaces, including adjoining property, both private and public, including streets.
- C. The form and bulk of the building, or structure in association with other nearby structures.
- D. The placing of buildings, or other structures in existing or newly created public open spaces, including parks.

ARTICLE XVIII, Public Art Advisory Board

§18-115. Creation.

The City Council of the City of Binghamton hereby creates an advisory board that shall be known as the Public Art Advisory Board (hereinafter referred to as "the Advisory Board"). The Advisory Board is formed to make recommendations concerning the selection, acquisition, and display of public art.

§ 18-116. Purpose and duties.

The purposes and duties of the Advisory Board shall be as follows:

- A. To create and oversee a public art program to enrich the visual and aesthetic environment of public spaces within the City of Binghamton.
- B. To initiate and develop proposals, to receive recommendations and to solicit contributions for additions to the existing collection of art in public places.
- C. To develop criteria and guidelines for the selection, acquisition, exhibition and display of new works of art, either temporary (on loan) or permanent. The criteria and guidelines shall relate to, but are not limited to, economic feasibility, maintenance, security and aesthetics. Acquisition of art includes either the purchase of art by the City or the acceptance of a donation of art to the City.
- D. To review all proposals for the exhibition and display of public art in the City's public spaces, in public buildings, and public facilities and infrastructure, including appropriate locations.
- E. To advise the Mayor and Common Council about the selection of acquisitions and donations of public art that meet the selection criteria and guidelines and to determine whether to accept unsolicited donations of art and where they may be located.
- F. Notwithstanding any other provision herein to the contrary, final approval and acceptance of any and all public art resides with the Mayor (daily operations) and Common Council (grants/gifts and through the legislative process).

§18-117. Private Properties.

If requested by the owner, the Advisory Board will work with the owners of privately owned outdoor public space and semipublic interior spaces, including assistance obtaining grants, gifts,

or other funding opportunities. The Advisory Board will have no oversight or input on privately owned property without written consent of the owner.

§18-118. Historic Properties.

Any public art proposed to be located on the exterior of any designated historic property, either individually designated Local Landmark Properties, or properties located in a designated Local Historic District, shall be subject to review and approval by the Commission on Architecture and Urban Design (CAUD) as set forth in Article XII above. The Advisory Board will have no oversight or input on such proposed public art unless requested in writing by CAUD.

§ 18-119. Membership.

The Advisory Board shall consist of five (5) voting members, all of whom shall be appointed by the Mayor and shall be residents of the City of Binghamton. At least three (3) of the voting members shall be professionals from the field of design, visual arts, architecture, or landscape architecture. The Advisory Board shall also have three (3) non-voting ex-officio members: a representative from the Broome County Council of Arts, a representative from the Gorgeous Washington Street Association, and a representative from the Downtown Binghamton Business Association.

§ 18-120. Terms of office; vacancies.

- A. The five (5) voting members shall be appointed for terms of three (3) years, except that the terms of the first Advisory Board members shall be for such lesser periods of time as to provide appropriate staggered rotation and continuity.
- B. Vacancies on the Advisory Board shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by expiration of term of office shall be filled only for the remainder of the unexpired term.

§ 18-121. Officers.

The Advisory Board shall have a Chairperson, a Vice Chairperson and a Secretary, who shall be elected by and from among the voting members of the Advisory Board once yearly.

§ 18-122. Compensation of members.

The voting members of the Advisory Board shall receive no compensation for their services.

§ 18-123. Meetings.

- A. A quorum for the transaction of business shall consist of three (3) voting members of the Advisory Board.
- B. The Advisory Board shall meet at least every other month.
- C. The Advisory Board shall adopt rules and procedures for its meetings.

- D. The Advisory Board meetings will be open to the public and minutes will be kept and published as required by the New York State Public Officers Law, Article 7, Open Meetings Law.